

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**SMART COMMUNICATIONS HOLDING,
INC.**

Plaintiff,

v.

VENDENGINE, INC.

Defendant.

Civil Action No. 3:21-cv-00053

Judge Campbell
Magistrate Judge Frenzley

JURY DEMANDED

DEFENDANT'S MOTION TO SEAL

Pursuant to Local Rule 5.03, VendEngine, Inc. (“Defendant”) moves to file the Non-Disclosure Agreement (“NDA”) executed between the Parties to this lawsuit, attached as Exhibit A to the Schlehuber Declaration in Support of Defendant’s Memorandum of Law in Support of Its Motion to Dismiss Pursuant to Rule 12(b)(6). Defendant further moves to seal Defendant’s Memorandum as it extensively cites the NDA.

Defendant respectfully moves for leave to file the NDA and quoted excerpts under seal as Parties agreed in the NDA that the terms of the NDA should be kept confidential. Defendant does not request restriction of public access to this NDA but files this motion pursuant to Local Rule 5.03(b) to provide Plaintiff an opportunity to present the Court with any reason(s) it believes the NDA should be kept under seal, should it wish to do so.

Dated: January 29, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed using the Court's ECF System, and should be served upon the following counsel of record by ECF notice on January 29, 2021.

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